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In re Application of	:	
UENO et al.	:	
Application No.: 10/501,022	:	DECISION ON REQUEST
PCT No.: PCT/JP03/00048	:	
Int. Filing Date: 07 January 2003	:	
Priority Date: 10 January 2002	:	
Attorney Docket No.: L8462.04121	:	
For: DISK DRIVE	:	

This is a decision on applicants' "Response to Notification of Missing Requirements" filed 15 December 2004.

BACKGROUND

On 07 January 2003, applicants filed international application no. PCT/JP03/00048 which claimed a priority date of 10 January 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 July 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 July 2004.

On 09 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and an executed declaration.

On 15 September 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration filed 09 July 2004 was defective because the second inventor's name on the declaration did not correspond with the published international application.

On 15 December 2004, applicants filed "Response to Notification of Missing Requirements" stating that the second inventor's name is Teruyuki Naka, not Akiyuki Naka.

DISCUSSION

A review of the application file, including petitioner's statements in "Response to Notification of Missing Requirements" reveals that the declaration identifies a different inventor than that indicated in the published international application. Namely, the declaration identifies and is signed by "TERUYUKI Naka" whereas the international application identifies "AKIYUKI Naka." In that this is clearly more than a mere typographical error, transliteration, or a phonetic misspelling of applicant's roman name a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400 as well as verified statements from the inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered, and must also set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

For the reasons above, the request is DISMISSED without prejudice.

If reconsideration of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182", and must include the requisite petition fee and an acceptable explanation of the facts as discussed above. Failure to file a proper response in a timely manner will result in ABANDONMENT of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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